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Manufacture and sale of intoxicating liquors.





MANUFACTURE AND SALE  
OF  
INTOXICATING LIQUORS

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CHAPTER 106, LAWS OF UTAH, 1911

AS AMENDED BY

CHAPTERS 79 and 81  
LAWS of UTAH, 1913



PUBLISHED BY THE  
SECRETARY OF STATE

1913







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# Manufacture and Sale of Intoxicating Liquors

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AN ACT relating to the manufacture, sale, exchange, barter and disposition of intoxicating liquor; providing for the licensing and regulation of the same; providing for elections in cities, towns and county units to determine whether the sale of intoxicating liquors shall be prohibited therein; permitting sale in cities and towns until a majority of voters vote "Against sale," and prohibiting sale in county units until a majority of voters vote "for sale," applying to such elections Chapter 10, Title 21, Compiled Laws of Utah, 1907, and also the provisions of the General Election Laws of the State; providing penalties and punishment for the violation of any of the provisions of this Act; declaring certain rules of evidence and pleading applicable to prosecutions under this Act; providing means for the enforcement of the provisions of this Act; saving to city councils, boards of county commissioners and boards of town trustees, the power to make further regulations and restrictions, in addition to, but not in conflict with the provisions of this Act; repealing Sections 1242 to 1260, both inclusive, and also sections 1260x and 1260x1, Compiled Laws of Utah, 1907.

Be it enacted by the Legislature of the State of Utah:

8 Section 1. Manufacture, sale, etc., of intoxicating liquor prohibited, without license. Penalty. Any person who by himself, his clerk, servant or agent shall for himself, or any person else, directly or indirectly, or upon any pretense, or by any device, except as provided by law, manufacture, sell, exchange, barter, dispense, serve, give away, give in consideration of the purchase of any property, or of any service, or in evasion of this act, or keep for sale, any intoxicating liquors with intent to violate the law, within dry territory, or solicit, take or accept any order to effect or commit any of the foregoing acts, within dry territory, or for the shipment, service or delivery of any such liquor, contrary to law, or own, keep, or be in any way con-

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cerned, engaged, or employed in owning or keeping any intoxicating liquors, in dry territory, with intent to violate any provision of law, or to authorize or permit the same to be done, in dry territory, shall be deemed guilty of a misdemeanor.

Any person who shall manufacture, sell, exchange, barter, give away or otherwise furnish intoxicating liquors in wet territory, without first procuring a license so to do, as provided by law, shall be deemed guilty of a misdemeanor.

**Section 2. Definition of Terms.** The terms "intoxicating liquors" as used in Chapter 106, Laws of Utah, 1911, shall be construed to mean any spirituous, vinous, fermented or malt liquor that may be used as a beverage and produces intoxication, and all mixtures or preparations thereof that may be used as a beverage and produce intoxication.

The words "dry territory" as used in the law relating to the manufacture and sale of intoxicating liquor, shall be construed to mean all territory within the State except such voting units wherein an election has been held and the majority of the qualified electors have voted "for sale."

The words, "wet territory," as used in the law of this State relating to the manufacture and sale of intoxicating liquors shall be construed to mean such voting units wherein an election has been held and the majority of the qualified electors have voted "for sale."

**Section 3. Who may grant licenses.** The city councils of cities of the first and second class in their respective cities under and by order of the District Court of the county in which said city or cities may be situate as in this act provided and the city councils of cities of the third class, in their respective cities, and the boards of trustees in incorporated towns are hereby authorized to grant licenses for the manufacture or sale of intoxicating liquors, as in this act provided.

The boards of county commissioners in their respective county units shall have no authority, except as in section 4 of this act provided, to grant licenses for the manufacture or sale of intoxicating liquors; provided, that in case a majority of the voters voting at any election in any county unit vote "For Sale," as hereinafter provided, then licenses may be issued by the boards of county commissioners of the counties so voting, under the terms of this act; provided further,



that no license shall be granted by any board of county commissioners for the sale of intoxicating liquors at any place within five miles of any city or town voting "Against Sale."

Any application for a license to sell intoxicating liquors may be refused for good cause in the discretion of the District Court of the county in which the city of the first and second class wherein license is sought may be situate, the city council of the city of the third class, the board of trustees of the town or the board of county commissioners of the county.

In cities of the first and second class, after the bond of the applicant shall be approved as herein required, the application for a license together with the bond shall be filed promptly by the city recorder of the city wherein the application is made with the District Court or the clerk thereof of the county in which said city is located and upon the District Court in such county making an order that the license shall issue upon such application the clerk of the court shall transmit a certified copy of such order and the copy of the application and bond to the city recorder of the city wherein the application is made; whereupon the city council of such city shall cause the license to issue as herein authorized and no such license shall issue until the District Court has made the order herein specified.

Section 4. **Manufacturers.** None of the provisions of this act shall be construed as prohibiting or intended to prohibit the manufacture of intoxicating liquors or the disposal thereof at wholesale at the place where manufactured and any manufacturer thereof shall have the right to manufacture and dispose of the same at wholesale at the place where manufactured by obtaining a license therefor and by complying with the other provisions of this act, and of all other laws of this State relating to the manufacture of intoxicating liquors and the sale thereof at wholesale, notwithstanding the result of any election provided for in this act in any voting unit created hereunder; provided, that no license shall be issued to any manufacturer who was not legally engaged in the manufacture of intoxicating liquor at the time of holding any election at which a majority of the voters vote "Against Sale."

Section 5. **To whom licenses may not be issued. Exceptions.** No license under this act shall be granted to any

person except to a male person over twenty-five years of age, or to a partnership consisting of male persons, all of whom are over the age of twenty-five years, nor to any applicant who is not a citizen of the United States, and of the State of Utah, nor who does not possess a good moral character, nor to any person or partnership who is not the owner of at least all of the personal property used in the conduct of the business for which the license is granted as a retailer, nor when such property is incumbered in excess of one-half of its actual value, which incumbrance shall not be voluntarily increased during the term for which a license is granted; nor to any person, either directly or indirectly, who is a member of any city council, board of trustees or board of county commissioners in any city, town or county in which such license is applied for; nor shall any license be granted to sell intoxicating liquors in any place, except to a drug store or hotel, which is located within three hundred feet of any public school or church, nor outside the limits of the business district of any city or town. The mayor and city council in their respective cities, and the board of trustees in their respective towns, shall from time to time determine and fix such limits for the purposes of this act. No license shall be granted to any person or partnership if such person or any partner of such firm has previously violated or has been convicted of violation of any of the provisions of this act, or who is an habitual drunkard or is addicted to the use of intoxicating liquors to excess, nor shall any retail license be granted to any corporation, except to bona fide clubs. Such club license shall, however, be granted in the name of some individual member to be designated in the application as the applicant for the license, and who shall possess the qualifications, except ownership of property, required by this act of individual applicants, and who shall be responsible, both civilly and criminally, in case of any violation of any of the provisions of this act, the same as any individual licensee under this act would be.

Licenses may, however, be granted to individuals, partnerships or corporations engaged in the manufacture of liquors or sale at wholesale only.

**Section 6. Definition of terms used in this act.** A "Dwelling House" is defined as a place used as a home of a



family, but shall not include any building in which a tavern, eating house, rooming house, store, or other place of public resort is kept.

A "Brewer" is defined as a person, partnership or corporation engaged in manufacturing fermented or malt liquors and disposing of the same.

A "Vintner" is defined as a person, partnership or corporation engaged in manufacturing wine from grapes.

A "Distiller" is defined as a person, partnership or corporation engaged in manufacturing distilled spirits and disposing of the same.

A "Hotel" is defined as a place or house containing twenty-five or more rooms for entertaining strangers or travelers.

A "Club" is defined as a corporation formed solely for business or social purposes, and which may incidentally desire to dispose of intoxicating liquors to its members and their bona fide guests only, which is the bona fide owner of real property of at least \$5,000 in value and whose annual membership dues amount to not less than \$12 per year. No organization, not duly incorporated, shall be regarded as a club.

A "Druggist or Pharmacist" is defined as a person, partnership or corporation which compounds or disposes of drugs or medicines, and in the course of its business also disposes of intoxicating liquors not to be consumed upon the premises.

A "Wholesale Dealer" is defined as a person, partnership or corporation which disposes of intoxicating liquors in quantities not less than five wine gallons, except to a duly licensed liquor dealer.

A "Retail Dealer" is defined as a person or partnership which disposes of intoxicating liquors in quantities of less than five wine gallons, which may be consumed on the premises.

**Section 7. Amount of license to be fixed. Limit.** City councils, boards of trustees and boards of county commissioners shall fix the amounts to be paid for licenses within the following limits: For annual licenses, excluding cost and expense incident to application for license;

Retail dealer, not less than \$600 and not more than \$2,000;

Wholesale dealer, not less than \$400 and not more than \$1,000;



Distiller, not less than \$400 and not more than \$1,000;

Druggists or pharmacists, in voting units voting "For Sale," not less than \$200 and not more than \$600;

Brewers operating a brewery with an annual capacity not exceeding five thousand barrels, not less than \$250; with an annual capacity over five thousand barrels and not exceeding twenty-five thousand barrels, not less than \$500; with an annual capacity of over twenty-five thousand barrels, and not exceeding fifty thousand barrels, not less than \$750; with an annual capacity over fifty thousand barrels and not exceeding seventy-five thousand barrels, not less than \$1,000; with an annual capacity of over seventy-five thousand barrels, not less than \$1,250 per annum.

Clubs, not less than \$400 and not more than \$2,000.

**Section 8. License to be paid to treasurer of city, town, or county. Term.** No license shall be granted or become effective until the applicant shall have paid to the treasurer of the city, town or county within which the license is granted, and shall have presented to the city council, board of trustees or board of county commissioners, the official receipt of such treasurer showing that the applicant has paid into the treasury of such city, town or county, the amount of money required by law or ordinance for a license. No license shall be granted for a longer term than one year, nor for a shorter term than three months; and all licenses for a period less than one year, except as otherwise provided in this act, shall be at the rate of not less than two hundred dollars for each and every month, or fraction thereof. Where licenses are granted for the whole year, or for a period of six months or more, the amount of the license may be paid in quarterly installments, and if so paid must be paid not later than noon of the first day of April, July, October and January. No license for a club shall be granted for less than the annual license fee, regardless of the period for which the same is granted.

**Section 9. Applications. Contents.** All applications for licenses shall be filed with the city recorder, town clerks, or county clerks, as the case may be, and such applications must state the applicant's name in full, and that he has complied with the requirements, and possesses the qualifications specified in section five of this act, and if the applicant is a co-part-



nership the names of all the partners must be stated. In case of a club, the application must state the general object or purpose thereof, and must also state that the sale of liquors will be strictly confined to the members thereof and their bona fide guests, and will be sold only for consumption in the club rooms. All applications must be subscribed by the applicant, who must state, under oath, that the facts stated therein are true to the best of his knowledge and belief. Applications by firms or co-partnerships must be subscribed and sworn to to the effect above stated by all of the members thereof. In addition to the foregoing, the application shall contain a certificate of at least five resident freeholders of the voting district in which the license is to be effective, to the effect that each of the persons aforesaid personally know the applicant, that he is a man of good moral character, and that in their opinion he is a fit and proper person to be granted a license. In case of a firm or co-partnership, the foregoing certificate shall be made to cover all of the members. No application shall be accepted or filed by the city recorder, town clerk or county clerk unless the statements therein contained substantially conform to the foregoing provisions, and is certified to as aforesaid.

Section 10. **Revocation of licenses.** The District Court of the several counties in which cities of the first and second class may be situated, city councils of cities of the third class, board of trustees or board of county commissioners, for violation of any of the provisions of this act or any ordinance, or for any other good cause, and upon not less than three days' notice to the licensee of the grounds of the complaint, name of complainant, and of the time and place at which the proposed revocation will be considered, may revoke a license granted within the city, town or county, as the case may be. For the purpose of carrying out the provisions of this section, the District Court, city council, board of trustees or board of county commissioners, as the case may be, shall have power to issue or cause to be issued subpoenas and to compel the attendance of witnesses and to administer oaths. All complaints under this section shall be in writing, signed by the complainants and filed with the recorder or clerk, as the case may be. The District Courts of the several counties wherein are situated cities of the first and second class shall make and



enforce rules of procedure and practice upon application for license, hearing of protests upon applications, and the revocation of licenses so that such matters may be speedily tried and determined in accordance with justice and right.

Section 11. **Bond.** No license shall be granted to any applicant under this act unless such applicant shall have executed and delivered to the city council, board of trustees, or board of county commissioners issuing the license, a bond in the penal sum of three thousand dollars, payable to the city, town or county, as the case may be, issuing the license, with at least two good and sufficient sureties who shall be freeholders of the county in which the license is granted, or in lieu of such sureties the applicant may furnish a bond in the penal sum aforesaid, executed by some surety company who is authorized to do business in this State. If said bond be in proper form, it shall be approved and filed by the city recorder, town clerk, or county clerk. The bond shall be conditioned that the licensee will not violate any of the provisions of this act, or any ordinance under which such license is granted; that he will pay all damages, fines, penalties and forfeitures that may be adjudged against him under the provisions of this act. The bond to be taken in each case may be substantially in the following form:

KNOW ALL MEN BY THESE PRESENTS, that we  
A. B. of.....as principal and  
C. D. and E. F. of.....as sureties,  
are held and firmly bound unto the city, town or county of  
....., State of Utah, in the sum of three  
thousand dollars, to which payment well and truly to be made  
we bind ourselves and our legal representatives.

Sealed with our seals this.....day of.....  
A. D. 19.....

The condition of this obligation is such, that whereas the  
above bounden A. B. has this day been licensed by License  
No.....by the mayor and city council of the city  
of..... (or of trustees of the town of  
.....or the county commissioners  
of the county of.....) in the county of  
..... Now if the said A. B. shall well and truly com-  
ply with all the provisions of law and ordinances relating to



the sale of intoxicating liquors, and shall also pay all damages, fines, penalties and forfeitures incurred by violation of such provisions of law and ordinances, and all other damages recoverable under the provisions of the law relating to the sale of intoxicating liquors, then this bond shall be void, but otherwise in force.

.....  
Principal.  
.....

.....  
Sureties.  
.....

No person who is a principal or surety, except a surety company, upon any bond given under this act, shall be permitted to become a surety upon any other bond of like character. Each surety, except as aforesaid, shall make a written statement, under oath, that he is not a surety upon any other bond given under the provisions of said section, and such statement shall be kept on file with the bond. No such bond shall be accepted or approved until each surety has made and subscribed a statement under oath that he is worth not less than three thousand dollars over and above all liabilities and indebtedness and all property exempt from execution, and the statement so made shall designate sufficient property, real or personal, to cover the requirements of the bond, and shall be kept on file with the bond in connection with which said statement is made.

**Section 12. Liability of licensees. Actions.** All licensees under this act shall be liable for and be required to pay all damages that the community or individuals may sustain in consequence of the sale of and traffic in intoxicating liquors. A married woman shall have a right of action against a licensee, or his bondsmen or both, for loss of support of herself and minor children, and she may maintain such action in her own name; Provided that in order to avail herself of the provisions of this Act she shall have notified the licensee in writing not to sell liquor to her husband. In such action it shall only be necessary to prove that the licensee or his agent has sold or given intoxicating liquors to her husband, and that by reason thereof he became disqualified to provide for her, or for his minor children. Any licensee under this act, who shall sell or give to any person who is already in-

intoxicated or visibly under the influence of liquor, any intoxicating liquors, shall be liable to such person for actual damages sustained by him by reason of any injury that such person may sustain by reason of his intoxicated condition, in case such person by reason of such condition has temporarily lost control of his faculties and by reason thereof is injured. Such action may be maintained in the name of the injured person.

Section 13. **How actions may be brought.** Any person desiring to bring an action under the provisions of this act shall upon application to any city recorder, town clerk or county clerk, upon paying the sum of one dollar therefor, be entitled to receive a certified copy of any bond given under the provisions of this act. Such copy when certified to under the hand and seal of the recorder, town clerk, or county clerk, shall be received in evidence upon the trial of any cause without accounting for or proving the execution of the original.

Section 14. **Id.** Actions on the bond provided for in this act for damages or forfeitures may be brought in any court having jurisdiction of the amount claimed regardless of the penalty fixed in the bond. Successive actions may be brought upon any bond in any court having jurisdiction until the penalty named in the bond has been fully exhausted. In any such action, it shall not be necessary for the plaintiff to allege and prove the amount of the penalty which remains unexhausted, but it shall be the duty of the defendants to allege and prove such fact, if it be a fact, and a failure to do so upon their part shall constitute a waiver, and the bond shall be treated for the purpose of the action as a full bond.

Section 15. **Sale of liquor upon prescription.** Any registered pharmacist may, within any city, town or county unit which may vote "Against Sale," as hereinafter provided, sell and furnish intoxicating liquors for medicinal purposes only, upon the written prescription of a regularly practicing physician of this State, in the manner herein provided. The prescription shall contain the name of the person prescribed for, the quantity and kind of liquor prescribed, and shall be signed by the prescribing physician. No prescription shall be filled hereunder except upon the day upon which it is dated and issued, or upon the following day. On the first day of June



and January of each year, the registered pharmacist shall file all said prescriptions filled within the preceding six months, with the city recorder, town clerk or county clerk, as the case may be, of the city, town or county unit in which such prescriptions are filled, and a certified copy of the same, or the original prescription, shall be prima facie evidence in any court in this State. Such prescriptions shall at any time after having been filled be open to public inspection. A fee of one dollar for each lot of prescriptions so filed shall be paid by such druggist to the city recorder, town clerk or county clerk, as the case may be. No prescription shall be refilled, nor shall more than one quart be furnished on one prescription. Nothing in this act shall be construed to prevent druggists or registered pharmacists furnishing or selling intoxicating liquors in wholesale quantities to registered pharmacists, to public or charity hospitals, to medical or pharmaceutical colleges, or to scientific schools or institutions. All druggists or registered pharmacists shall keep a complete record of all sales at wholesale of intoxicating liquor, which record shall at all times be open to inspection of the peace officer of any city, town or county. No physician shall issue a prescription except for a bona fide medical purpose.

**Section 16. Revocation of license of physician, druggist or pharmacist.** After the second conviction of any physician, druggist or pharmacist for violating any of the provisions of this act, it shall be a part of the judgment of conviction that his license to practice medicine, pharmacy or dispense drugs is revoked, and the court before whom such person shall be tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the State board having authority to issue such a license. After revocation, no license shall ever be granted to the person whose license is revoked to practice medicine, pharmacy or dispense drugs in the State of Utah.

**Section 17. Sale of certain "patent" medicines prohibited.**  
**Exception.** No druggist or other person within any city, town or county unit voting "Against Sale," shall sell, dispose of or give away any proprietary, patent or compound medicines classed by the U. S. Commissioners of Internal Revenue as subject to the U. S. Internal Special Tax as an intoxicating

liquor insufficiently medicated to render them unsuitable as beverages, except upon the prescription of a licensed and practicing physician of this State.

**Section 18. Sale of alcohol or wines for special purposes permitted.** Nothing in this act shall prohibit the sale by licensed pharmacists or wholesale druggists within any city, town or county unit, which may vote "Against Sale," of alcohol for art, scientific or mechanical purposes or wines to church officials for sacramental purposes. A record of each sale shall be made and preserved in a book kept for that purpose, signed by the person receiving the same; which record shall be open to public inspection. No person shall purchase any such alcohol or wines for any use other than stated in this section.

**Section 19. Sale by druggists and pharmacists prohibited, except for medicinal purposes.** No druggist or licensed pharmacist shall, within this state, sell, exchange, barter, give away or otherwise furnish for consumption on the premises in which he is licensed to dispense drugs or in any place in any way connected therewith, any intoxicating liquors, except for medicinal purposes, as herein provided.

**Section 20. Manufacturers and wholesalers not to be interested in procuring retail license. Exception.** It shall be unlawful for any person, partnership or corporation engaged in the manufacture or sale at wholesale of intoxicating liquors, or any agent, officer or employee of any such person, partnership or corporation, to aid or assist in any manner, directly or indirectly, under pretext or otherwise, in the application for or procuring of license for the sale, at retail of intoxicating liquors in this state, or to engage in or in any manner become interested, under pretext or otherwise, in the retail traffic in such liquors in this state; provided, however, that a manufacturer or wholesaler of intoxicating liquor other than a corporation may have not to exceed one retail license.

**Section 21. Id. Not to construct or rent premises for retail business.** It shall be unlawful for any person, corporation or association engaged in the manufacture, or sale at wholesale of intoxicating liquors, or his, its or their officers, agents or employees to construct for, or let to any person, di-



rectly or indirectly, under pretext or otherwise, any building, room, shed, apartment, structure or place on, or in which to conduct the retail sale of intoxicating liquors.

**Section 22. Soliciting unlawful aid or assistance.** It shall be unlawful for any person to solicit or receive from any person, corporation, or association engaged in the manufacture or sale of intoxicating liquors, or his, its or their officers, agents or employees, any aid or assistance directly or indirectly under pretext or otherwise, in the securing or use of any license for the retail sale of any intoxicating liquors in this State, or to lease, occupy or use, directly or indirectly, under pretext or otherwise, any building, room, shed, apartment, structure or place owned or controlled by any such person, corporation, or association engaged in the manufacture, or sale at wholesale of intoxicating liquors, or any trustee of any such person or corporation, on or in which to conduct the retail sale of any intoxicating liquors in this State.

**Section 23. Employment of minors prohibited.** No holder of a license for the sale at retail of intoxicating liquors shall employ any person under the age of twenty-one years to serve such liquors to be drunk on the premises.

**Section 24. Id.** No person, partnership or corporation shall employ a minor under the age of twenty-one years in handling intoxicating liquors or packages containing such liquors in a brewery or bottling establishment, in which such liquors are prepared for sale or offered for sale.

**Section 25. Opening and closing of saloons.** It shall be unlawful for any licensed retail dealer by himself, clerk or servant to keep his place of business open on the day of any general or special election, or on Sunday, or between the hours of 10 p. m. Standard time on any day and 6 o'clock a. m. the following morning, except that in cities of the first and second class, it shall be lawful, unless otherwise provided by ordinance in such cities, for such places of business to remain open between the hours of 6 o'clock a. m. and 12 o'clock midnight, and it shall be unlawful for any such licensee to sell, barter, give away or otherwise furnish intoxicating liquors within the hours during which the place of business of such

licensee is herein required to be closed. It shall be unlawful for any club, druggist or pharmacist to sell, exchange, barter, give away or otherwise furnish any intoxicating liquors between the hours of 12 o'clock p. m., standard time, on any day and 6 o'clock a. m. the following day; provided, that druggists and pharmacists may sell intoxicating liquors between such hours for medicinal purposes only. City councils, boards of trustees and county commissioners, may shorten, but shall not increase, the hours during which intoxicating liquors may be sold as herein provided.

**Section 26. Saloons must be vacated after hour of closing. Exception.** It shall be unlawful for any licensed retail dealer by himself, agent or servant, to permit anyone to remain in the saloon after the hour of closing, as provided in the preceding section, but at the time when such saloon should be closed, he shall require all persons to at once vacate the premises and see that the doors are securely closed and locked; provided, however, that the dealer, his agent or servant may remain in the saloon for thirty minutes after the hour of closing, and that on Sunday the saloon keeper or his employee may enter said saloon for the purpose of attending to the fires and lights, and for no other purpose.

**Section 27. Retailing; sales confined to one Room, Hotels; proviso.** No licensed retail dealer, by himself, agent or servant, except clubs, and pharmacists, shall sell or expose for sale, barter, give away or otherwise furnish any intoxicating liquors, except in a single room, which shall contain no booths, curtains, or partitions except such as may be necessary for the sole purpose of screening said room from the public gaze from the street or exterior; provided, that a screened or partitioned water closet may be maintained in such single room; provided, further, that nothing contained in this section shall prevent the serving in public dining rooms of intoxicating liquor with meals; provided, further, that any firm or person engaged in the hotel business and licensed to sell intoxicating liquors in a hotel building having not less than one hundred twenty-five bedrooms, may deliver intoxicating liquors to be served at all meals in said hotel, from a service bar or store room separate and apart from the room in which such retail liquor business is licensed to be conducted.



During the time when places where intoxicating liquors are sold are required by law to be closed, all blinds, screens and curtains shall be withdrawn from the doors and windows of such places, and the interior doors, screens, blinds and curtains shall be so opened that an unobstructed view of the interior of such places may be had from the sidewalk or exterior of all such places.

**Section 28. Saloons must be conducted in an orderly manner. Gambling or entertainment forbidden.** The licensed premises shall be conducted in a quiet, orderly manner; there shall be no gambling or gaming with cards, dice, billiards or any other device, nor any music, phonograph, or other form of amusement or entertainment, or free lunch, nor lunch for which money is paid, in the room where said business is carried on; there shall be no nude, obscene or impure decorations, pictures, inscription, placards or any such thing in the place; no female shall be employed in the place; no woman, minor, drunkard or intoxicated person shall be allowed in the room; there shall be no chairs, benches, nor any other furniture in the room except behind the bar, and only such behind the bar as is necessary for the attendants.

**Section 29. Must not be connected with any premises used for unlawful purposes.** It shall be unlawful for any dealer in intoxicating liquors by himself, agent or servant, to permit the room wherein he is licensed to sell liquor to be in any way connected with any room wherein, or connected with which any prostitution or lewd practices are indulged or permitted; or wherein any prostitutes are permitted to visit for any purpose; or wherein any women are permitted for any unlawful purpose. Under this rule any room into or from which there are any means of entrance or communication with the place of business of such licensee by door, stair, elevator, dumb waiter, speaking tubes, electric apparatus, or other means of communication, shall be deemed connected with the place of business of the licensee, whether such rooms are under the control of such licensee or not.

**Section 30. Sale of liquor to Indians, etc., prohibited.** No intoxicating liquor shall be sold to, procured for, or delivered to an Indian, insane person, idiot, or to a minor, either

for his own use or the use of any other person, except for medicinal purposes upon the prescription of a physician.

**Section 31. Minor falsely representing his age. Penalty.** Every person under the age of twenty-one years who shall for the purpose of obtaining intoxicating liquors from any licensee, or other person, falsely represent his age, shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined for each offense not exceeding twenty-five dollars, or be imprisoned not exceeding fifteen days in jail, or both, in the discretion of the court. Nothing in this section contained shall excuse any sale of intoxicating liquors to a person under the age of twenty-one years.

**Section 32. Adulterations.** Any retail liquor dealer who shall adulterate or mix with any foreign substance any intoxicating liquors, or shall sell or otherwise dispose of any such liquor, knowing or having reasonable cause to believe that the same has been adulterated, or who shall mix together different kinds of liquors, either for bar purposes, or to be sold in bottles, shall place upon the container where such liquor is kept and upon the bottle wherein such liquor is bottled and offered for sale, a label or stamp setting forth in plain and legible type the true formula of such adulteration or mixture. This section shall not be construed as allowing the use for adulteration of intoxicating liquors of any substances prohibited by Section 740, Compiled Laws of Utah, 1907.

**Section 33. In case of riot or public excitement, saloons may be closed.** The mayor of a city, the trustees of a town, and the commissioners of any county, may, in case of riot or great public excitement, order persons who hold licenses, not to sell, give away or deliver any intoxicating liquor on the licensed premises for a period not exceeding seven days at any one time, and no person shall by himself or his agent or servant sell, give away or deliver any intoxicating liquor in violation of an order given under the provisions of this section; provided, however, that if the licensed premises shall be ordered closed for a period of more than one week, the licensee shall be entitled to have refunded a pro rata amount of the license paid during the time the licensed premises are so ordered to be closed.



Section 34. **Delivery and sale.** The delivery of intoxicating liquor in or from a building, booth, stand or other place, except a private dwelling house, or in or from a private dwelling house if any part thereof or its dependencies is used as an inn, eating house or shop of any kind, or other place of common resort, such delivery in either case being to a person not a resident therein, shall be prima facie evidence that such delivery is a sale.

Section 35. **United States Internal Revenue Special Tax Stamp as evidence.** A certified copy of entries made in Record No. 10 of the records of the U. S. Internal Revenue Collector showing the payment of the U. S. Internal Revenue special tax for the manufacture or sale of intoxicating liquors, shall be prima facie evidence in the courts of this State of such manufacture or sale by the party named therein within the period set forth in said record.

Section 36. **Prosecutions. Evidence.** In all suits or prosecutions under the general liquor law of this State it shall be necessary to state in the complaint or affidavit the time and place of sale, but shall not be necessary to state the kind of liquor sold, nor to describe the place where sold, nor to show knowledge of the principal to convict for the unlawful acts of the agent or servant committed within the ordinary course of the master's business, provided that in case the principal shall show that he had no knowledge of the unlawful act or acts of his agent or servant so committed, such principal shall not be punished by imprisonment, as provided by law; any clerk, servant, employee, or agent of any licensee or other person, engaged or aiding in any violation of any of the provisions of this act shall be charged and convicted as a principal.

Section 37. **Suits for liquor bills.** No suit for liquor bills, when sold in less quantity than five wine gallons at one time, shall be maintained in any court in the state, and when it shall be made to appear that any promissory note, mortgage, or other obligation on which a suit is pending was given for liquor sold in less quantity than five wine gallons at one sale, and that the plaintiff or one of several plaintiffs had knowledge of that fact at the time he acquired such note, mortgage, or other obligation, such suit shall be dismissed at the

cost of the plaintiff, except such sales be for medicinal, mechanical, manufacturing, art or sacramental purposes.

**Section 38. Sale made where delivery and payment were made.** That in all cases where the purchase price for intoxicating liquors is paid to the person who makes manual delivery of any such liquors to the vendee thereof, the sale shall be held to have been made in the place where delivery and payment were made.

**Section 39. Consignments to be inscribed. How.** It shall be unlawful to consign intoxicating liquors from any point in the State of Utah to any other point therein except there be inscribed on the exterior of the outer package containing said vessels in legible letters, the name of the consignee; the name of the contents and quantity contained therein, and it shall be unlawful to consign from any point in the State of Utah to any other point therein, any intoxicating liquors to a fictitious person or consignee, or in the name of any other person except the actual bona fide consignee thereof; and it shall be unlawful for any person to erase, mutilate, remove or cover up said inscription.

**Section 40. Id. Common carriers.** It shall be unlawful for any common carrier to knowingly receive for transportation, or with such knowledge to transport, from any point in the State of Utah to any other point therein, any intoxicating liquors except the vessels containing such intoxicants, and the outer packages containing said vessels shall have inscribed on the exterior thereof in plain, legible letters, the name of the contents and quantity contained therein, and it shall be unlawful for any common carrier to knowingly receive for transportation between points within the State of Utah, any intoxicating liquors consigned to a fictitious person or consignee, or to deliver any intoxicating liquors, transported as aforesaid, to any person except the actual bona fide consignee thereof, or his duly authorized agent.

**Section 41. Unlawful to sell within five miles of any camp, etc.** It shall be unlawful for the board of county commissioners of any county in this state to grant a license to any person to sell, barter, exchange, give away or otherwise furnish malt, spirituous or vinous liquors within five miles of any camp or assembly of men engaged in the construction or



repair of any railroad, canal, reservoir, public work, or other kindred enterprise, where twenty-five or more men are employed.

Section 42. **Nuisances.** All places where intoxicating liquors are manufactured, sold, bartered, given away, or otherwise furnished in violation of law or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage in violation of law or where intoxicating liquors are kept for sale, giving away, or otherwise furnishing, in violation of law, and all intoxicating liquors, bottles, glasses, kegs, pumps, bars, and other property kept in and used in maintaining such a place, are hereby declared to be common nuisances; and every person who maintains or assists in maintaining such a common nuisance, shall be guilty of a misdemeanor.

Section 43. **Search and seizure.** If any county, city or town attorney, sheriff, or chief of police or marshal of any city or town has probable cause to believe that intoxicating liquors are manufactured, sold, bartered, given away or otherwise furnished, in violation of law or are kept for the purpose of selling, bartering, or giving away or otherwise furnishing in violation of law, it shall be the duty of such county, city or town attorney, sheriff, chief of police or marshal of any city or town forthwith to make and file with a judge of a district court or a justice of the peace in the county, written information supported by his oath or affirmation, that he has reason to believe, and does believe that intoxicating liquor is being manufactured, sold, bartered, given away, or otherwise furnished, or is being kept for the purpose of selling, bartering, giving away, or otherwise furnishing, in violation of law, said judge or justice shall upon finding probable cause for such information, issue a search warrant, directed to any peace officer in the county, describing as particularly as may be, the liquor and the place described in said information, and the person named or described in said information as the owner or keeper of said liquor, and commanding the said officer to search thoroughly said place, and to seize the said liquor with the vessels containing it, and all implements, furniture and fixtures used or kept for such illegal manufacturing, selling, bartering, giving away, or otherwise furnishing of such liquors, and to keep the same securely until final

action be had thereon; whereupon the said peace officer to whom such warrant shall be delivered shall forthwith obey and execute as effectually as possible the commands of said warrant and make return promptly of his doings to said judge or justice, and shall securely keep all liquors so seized by him and the vessels containing them until final action be had thereon. A copy of said warrant shall be served upon the person or persons found in possession of any such intoxicating liquor, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant shall be posted on the door of the building or room wherein the same are found. If admission to such building or room is refused, the officer directed to serve the warrant is hereby authorized and required by law to force open the same. If the place to be searched be a dwelling house in which any family resides, and in which no tavern, eating house, grocery or other place of public resort is kept, such warrant shall not be issued unless such complaint shall, on oath or affirmation, declare before said judge or justice that he has reason to believe and does believe that within one month next before the making of said information intoxicating liquors have been, in violation of law, sold or otherwise furnished in said house, or in some place appurtenant thereto, by the person accused in said information, or by his consent or permission.

No warrant shall issue in any case, unless from the facts disclosed by such information the said judge or justice shall find that there is probable cause to believe that the facts stated in said information are true. The information on which said warrant is issued may be made upon information and belief.

**Section 44. Id. Property not to be discharged.** When any liquors, vessels or other property shall have been seized by virtue of any such warrant, the same shall not be discharged or returned to any person claiming the same by reason of any alleged insufficiency of description in the warrant of the liquor or place, nor by writ of claim and delivery or other process, but the claimant shall only have the right to be heard on the merits of the case.

**Section 45. Seizure. Officer to make returns. Hearing. Judgment.** In the event of a seizure under said warrant, the



officer shall forthwith make a return of his acts thereunder, and if said warrant has been issued by a justice of the peace, and by said return it appears that intoxicating liquor, vessels, implements, or other things used for the purpose of selling or otherwise disposing of such liquors, contrary to law, have been found upon the premises described in said warrant, the jurisdiction of the justice of the peace shall thereupon cease, except that the justice issuing such warrant shall forthwith certify the record and all files to the district court of the county in which said premises are situated and from time of filing such record and files with the clerk of said district court it shall have jurisdiction to proceed with said cause and determine the merits thereof as provided by law; and the clerk of said court shall fix a time for hearing said matter, of which notice shall be given as provided herein.

In all cases upon the filing of the warrant and return of the officer in the district court the clerk thereof shall fix a time for hearing said matter and shall cause to be left at the place where said liquor was seized, and if said place be a dwelling house, store or shop, posted in some conspicuous place on or about said building and also to be left with or at the last known and usual place of residence of the person named or described in said information as the owner or keeper of said liquor, if he be a resident of this State, a notice summoning such person and all others whom it may concern to appear before said court at a place and time named in said notice, which time shall not be less than five nor more than fifteen days after the posting and leaving of said notices and show cause, if any they have, why said liquor, together with the vessels in which the same is contained, and other property, should not be forfeited; and said notice shall with reasonable certainty, describe said liquor, vessels, and other property, and shall state where, when and why the same were seized. At the time and place fixed in said notice, the person named in said information, or any person claiming any interest in said liquor, vessels and other property or any part thereof, may appear and show cause why the same should not be forfeited. If any person shall so appear he shall become a party defendant in said cause, and said court shall make a record thereof. Whether any person shall so appear or not, said court shall at the time fixed, proceed to the trial of said case, and the county attorney shall appear before said court

and prosecute said information, and show cause why said liquor, vessels or other property should be adjudged forfeited. The proceedings in the trial of such case may be the same substantially as in cases of criminal prosecutions before such courts, and if any person shall appear and be made a party defendant as herein provided and shall make a written plea that said liquor, vessels or other property or any part thereof, claimed by him, was not owned or kept with intent to be sold or used in violation of the law, such party defendant may demand a jury to try the issue and if upon the evidence presented, the said court or jury, as the case may be, shall by verdict find that said liquor, vessels or other property was when seized, owned or kept by any person, whether said party defendant or not, for the purpose of being sold or used in violation of law, the said court shall render judgment that said liquor, vessels or other property, or any part thereof, be forfeited. If no person be made defendant in manner aforesaid, or if judgment be in favor of all the defendants who appear and are made such, then the costs of the prosecution shall be paid as in ordinary criminal prosecutions where the prosecution fails. If judgment shall be against only one party defendant appearing as aforesaid, he shall be adjudged to pay all the costs of proceedings in the seizure and detention of the liquor claimed by him and trial up to the time of judgment. But if said judgment shall be against more than one defendant claiming distinct interest in said liquor, then the costs of said proceeding and trial shall be according to the discretion of said court, equitably apportioned among the said defendants for the amount of costs so adjudged against them. Any person appearing and becoming party defendant as aforesaid may appeal from said judgment of forfeiture, as to the whole or any part of said liquor, vessels or other property claimed by him and so adjudged forfeited.

Section 46. **Destruction of seized property.** Whenever it shall be finally decided that the liquor, vessels or other property seized as aforesaid is forfeited, the court rendering final judgment of forfeiture shall issue to the officer, a written order, directing him forthwith to destroy said liquor, vessels or other property and immediately thereafter to make return of said order to the court whence issued, with his doings en-



dorsed thereon. Whenever it shall be finally decided that any liquor so seized, vessels, or other property is not liable to forfeiture, the court by whom such final decision shall be rendered shall issue a written order to the officer having the same in custody, or to some other peace officer, to restore said liquor, vessels or other property, to the place where it was seized, as nearly as may be, or to the person entitled to receive it, which order the officer shall obey, and make return thereon to the court of his acts thereunder, and the costs of the proceeding in such case attending the restitution, as also the costs attending the destruction of such liquor, vessels or other property in case of forfeiture, shall be taxed and paid in the same manner as is provided in case of ordinary criminal prosecution where the prosecution fails.

Section 47. **Arrest without a warrant.** When a violation of any provision of this act shall occur in the presence of any sheriff, constable, marshal, police officer or other officer having power to serve criminal process, it shall be the duty of such officer, without warrant, to arrest the offender and seize the intoxicating liquor, vessels and other property so unlawfully used, and to take such offender or offenders immediately before the court or judge having jurisdiction in the premises, and there make complaint under oath, charging the offense so committed, and he shall make return, setting forth a particular description of the intoxicating liquor, vessels and other property seized and of the place where the same was so seized, whereupon the court or judge shall issue a warrant commanding and directing the officer to hold the property so seized in his possession until discharged by due process of law, and such property shall be held in like manner as if the seizure had been made under a warrant therefor.

Section 48. **Construction.** In this act, unless the text or subject matter otherwise requires

“Cities” includes cities of the first, second and third classes.

“Town” means incorporated town.

“County Unit” means all that part of any county outside of cities and towns, and such county unit shall be designated by the name of the county in which it is contained.

Section 49. **Local option unit.** Each city, town and county unit as defined in the preceding section of this act, shall constitute a separate and independent local option unit for the determination for itself whether the sale of intoxicating liquors shall be permitted or prohibited within such city, town or county unit.

Section 50. **Elections.** Whenever a petition therefor, signed by not less than twenty-five per cent of the registered voters of any city, town or county unit shall be filed with any city council, board of trustees or the board of county commissioners, as the case may be, such city council, board of trustees, or board of county commissioners, as the case may be, shall order an election to be held at the time provided in this act to determine whether the sale of intoxicating liquors shall be allowed or prohibited in such city, town or county unit, except as provided in Section 51 of this act.

Section 51. **Id.** The first election hereunder in cities and towns, shall be mandatory and no petition shall be required therefor, and such election shall be held on the 27th day of June, 1911. Elections in county units shall be held only on petition as provided in the next preceding section of this act. Elections hereafter shall be held only on the last Tuesday in June of any year; provided, that after the holding of an election to determine the question whether intoxicating liquors shall be permitted or prohibited within any city, town or county unit, no election shall be held in any such city, town or county unit, upon such question before the last Tuesday in June in the second calendar year thereafter, and then only upon petition as provided in Section 50 of this act.

Section 52. **Id. Petition to be filed.** The petition for the local option election herein provided for shall be filed with the city recorder, town clerk or county clerk, as the case may be, not less than sixty days nor more than one hundred twenty days before the day of election; except as to elections petitioned to be held in county units on June 27, 1911, and as to such election such petition shall be filed not less than thirty days before the day of such election. The elections provided for by this act shall be held at voting place or places within the cities, towns or county units petitioning



therefor, and if such election be held in any city or town the judges and clerks of election shall be appointed and qualified under the laws relating to elections in cities and towns, and if such election be held in any county unit the judges and clerks of election shall be appointed and qualified under the laws of the state relating to general elections.

Section 53. **Qualified voters.** Any person shall be qualified to vote at any election held in any city or town hereunder who was qualified to vote at the last city or town election in the voting district in which he offers to vote, and any person shall be qualified to vote at any election held in any county unit hereunder who was qualified to vote at the last general election in the voting district in which he offers to vote; such qualification shall be shown by the official register used at such last city, town or general election; and in addition thereto all qualified electors who may register as herein provided, or who shall be transferred as provided by law, shall be entitled to vote at any election under this act.

Section 54. **Id. Duties of county clerk.** Prior to the time for registering voters, at any election held under the provisions of this act, the county clerk of each county of the state shall prepare an official register of the voters in each election district affected by such election, if such election be for any city or town, by making a list in alphabetical order of the official register used at the last city or town election, as the case may be, and if such election be in any county unit, by making a list in alphabetical order of the official register used at the last general election, which official register shall be delivered to the registry agent of the election district, at least fifteen days prior to the first day of registration, and shall be revised by adding the names of all persons registered on the proper days prior to the election; provided, that the cost of making such lists as relate to cities or towns shall be paid by the city or town holding such election. In case of election in any county unit, if any voting district now established shall include territory both within said county unit and also within any city or town, the county commissioners shall organize a new voting district consisting of territory wholly without said city or town and wholly within said county unit, and registration officers and judges and clerks of election

shall be appointed under the general election laws relating to election districts.

Section 55. **Id. Duty of registry agents.** It shall be the duty of the registry agents, appointed as provided by law, at any time when called upon to do so, at their respective offices and not elsewhere, between the hours of eight o'clock a. m. and nine o'clock p. m. of the first Tuesday in June and the last Friday in June immediately prior to the election, to receive and register the names of all qualified electors applying for registration.

Section 56. **Id. Offenses.** The provisions of Chapter 10, Title 21, Compiled Laws of Utah, 1907, defining election offenses wherever applicable shall apply to and are hereby made applicable to all elections held under the provisions of this act.

Section 57. **Form of petition.** The form of petition shall be substantially as follows:

#### **PETITION FOR LOCAL LIQUOR ELECTION.**

We, the undersigned legal voters of (here insert, as the case may be, name of city, town or county unit), respectfully petition, that on the last Tuesday of June, 19..... an election be held to determine whether the sale of intoxicating liquors shall be allowed or prohibited in (state name of city, town or county unit), and each for himself says: I have personally signed this petition and my residence, postoffice and voting district are correctly written after my name.

Name	Residence	Postoffice	Voting District
(Street and number, if any.)			
(Here follows twenty lines for signature.)			

Such separate sheets shall be fastened together in one petition and filed as a whole.

The city recorder, town clerk or county clerk, as the case may be, shall, upon receipt of such petition immediately file the same and shall, if such petition be for an election in any city or town, thereupon compare the signatures of the electors signing the same with the names on the registration books and blanks on file in his office for the last city or town election, and shall, if such petition be for an election in any county



unit, thereupon compare the signatures of the electors signing the same with the names on the registration books and blanks on file in his office for the last general election. If the requisite number of qualified electors shall have signed the petition and if the same is in substantial conformity with the provisions of this act, he shall thereupon see that it is entered in full in the records of the city council, board of trustees or board of county commissioners, omitting the signatures, but stating the number of signers.

**Section 58. Notices of election. Form.** At least twenty days previous to any election hereunder, the city recorder, town clerk or county clerk, as the case may be, shall deliver to the chief of police, marshal, or other chief peace officer of said city or town, or sheriff of any county, at least three notices of the election for each voting district in said city, town or county unit. Said notice shall be substantially in the following form:

### LIQUOR ELECTION NOTICE.

Notice is hereby given that on Tuesday the.....day of June, 19..... an election will be held to determine whether the sale of intoxicating liquors shall be allowed or prohibited in (here insert the name of the city, town or county unit) which said election will be held at 7 o'clock in the morning and shall continue until 7 o'clock in the afternoon of said day.

Dated this..... day of .....19.....

.....  
(City Recorder, Town Clerk or  
County Clerk of the City, Town  
or County of.....Utah)

It shall be the duty of the chief of police, marshal or other chief peace office of such city or town or sheriff of any county, at least twelve days before any election hereunder to cause said notices to be posted in public places in the vicinity of the polling place or places.

Thereupon the city recorder, town clerk, or county clerk, as the case may be, and the chief of police, marshal or other chief peace officer or sheriff of any county shall each file with the city council, board of trustees or board of county commissioners, a brief statement, under oath, of their compliance

with the provisions of this section; such statement shall be entered in the records of the city council, board of trustees or board of county commissioners, and such record shall be prima facie evidence that all the provisions of this section have been fully complied with.

Section 59. **Ballots.** For such election it shall be the duty of the city recorder, town clerk or county clerk, as the case may be, to arrange ballots and have them printed in substantially the following form:

### **BALLOT FOR LIQUOR ELECTION.**

Vote for or against the sale of intoxicating liquors for beverage purposes for the city, town or county unit of.....

.....  
Mark X in the square to the right.

For Sale . ☐

Against Sale ☐

There shall be a space of approximately one inch between the squares in which the voters are to mark.

It shall be the duty of the city recorder, town clerk or county clerk as the case may be, to furnish each voting district, official and sample ballots equal in number to that required at city, town or general elections, by the election laws of the state, and at the times and in the manner therein required. Those favoring sale of intoxicating liquors shall mark (X) in the square at the right of the words, "For Sale" and those opposed shall mark (X) in the square at the right of the words, "Against Sale." At any election held under this law, judges of election shall, if requested, permit one person, designated by the petitioners and also one other person to be designated in the same way by five persons known to be opposed to the petitioners, to stand outside of the guard rail at the polls during the progress of the ballot as challengers, and also during the counting of the votes.

Section 60. **Election law of state to apply when not otherwise provided.** In all elections hereunder, in all matters and proceedings not herein specified, the provisions of the election



laws of the state, relating to elections in cities, towns and general elections, including provisions relating to expenses of elections, shall apply so far as the same are applicable.

**Section 61. Returns.** In case of elections in cities and towns, returns shall be made and votes canvassed as nearly as possible as provided for votes cast at city and town elections; and in case of elections in county units, returns shall be made and votes canvassed as nearly as possible as provided for votes cast in general elections; and said city council, board of trustees, or county commissioners, as the case may be, shall immediately after the canvass, make an order declaring the result of said vote, and, if a majority of the votes cast in such city, town or county unit, as the case may be, are "Against Sale," the sale of intoxicating liquors within such city, town or county unit shall after the date fixed in the proclamation hereinafter provided for, be unlawful except the sale by druggists or pharmacists, as provided in this act; and, if a majority of the votes cast in such city, town or county unit, as the case may be are "For Sale," sale of intoxicating liquors within such city, town or county unit, as the case may be, shall, after the date of the proclamation hereinafter provided for, be permitted as in this act provided. The order thus made shall be held to be prima facie evidence that all provisions of law have been complied with in giving notice of and holding such election and in counting and returning the votes and declaring the results thereof.

**Section 62. Canvass of votes. Declaration of results.** The mayor of any city, president of the board of trustees of any town or the chairman of the board of county commissioners of any county unit voting upon the question shall, within five days after the votes have been canvassed and the result declared, issue his proclamation declaring the result of such election, and, if the result be "Against Sale," declaring that the sale of intoxicating liquors within such city, town or county unit shall be unlawful after the first day of October immediately following such election; and, if such result be "For Sale," declaring that the sale of intoxicating liquors shall be permitted after the date of such proclamation, as in this act provided. Such proclamation shall be published for five days in some newspaper published in the city, town or at the

county seat of the county in which such county unit is contained, as the case may be, or in lieu thereof, be posted in five conspicuous places for ten days in said city, town or in one conspicuous public place in each voting district of said county unit, as the case may be. In every city, town or county unit that shall return a majority vote "Against Sale," the prohibitive law shall take effect on the first day of October immediately following; provided, that no license for the sale of intoxicating liquors in any city, town or county unit shall be granted for the whole or any part of the period between the election herein provided for and the first day of October immediately following, except to a person who held a license on the day of such election, and as to such person, he shall be entitled to a license subject to the terms of this act.

**Section 63. Date effective where majority vote is "Against Sale."** All who are engaged in selling intoxicating liquors within any city, town or county unit that shall return a majority vote "Against Sale," shall after the thirtieth day of September immediately following such election, cease selling or giving away any intoxicating liquors within such city, town or county unit, and any person who shall thereafter, within such city, town or county unit, sell, exchange, barter, dispose of, or otherwise furnish in violation of the provisions of this act, any intoxicating liquors whatsoever, or in any way violate any of the provisions of this act, shall be subject to prosecution under the laws of the State of Utah, and shall be punished, unless otherwise stated, as provided in Section 65 of this act.

**Section 64. License fee for unexpired term to be refunded.** In all cases where any person, firm or association of persons pursuing the occupation of liquor dealers under license issued in accordance with the laws of this State, or by any municipality in this State, shall be prevented from pursuing such occupation for the full time for which he would otherwise be entitled by reason of any election provided for in this act resulting "Against Sale," the proportionate amount of such license fee paid for the unexpired term, shall be refunded by the city, town or county, as the case may be.

**Section 65. Violations. Penalty.** Any person who shall in any way violate any of the provisions of the law of this



State relating to the manufacture and sale of intoxicating liquors as contained in Chapter 106, Laws of Utah, 1911, and all acts amendatory thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars or more than Two Hundred Ninety-Nine Dollars, or by imprisonment in the county jail for not less than thirty days or more than six months, or by both such fine and imprisonment. If any person shall be convicted a second time for violating any of the provisions of the law of this State relating to the manufacture and sale of intoxicating liquors, as set forth in Chapter 106, Laws of Utah, 1911, and all acts amendatory thereof, such person shall be punished for such second and each subsequent violation by both such fine and imprisonment.

**Section 66. Licenses now in effect to be annulled, when. Refund.** All licenses granted under any law of this state or under any city, town or county ordinance shall cease and be null and void on the first day of October, 1911, unless such license is sooner terminated by its own terms, or otherwise. All moneys paid upon any license which by its terms extends beyond the first day of October, 1911, shall, as to the period after such date, be refunded by any city, town or county to which such license was paid.

All licenses granted on or after October 1, 1911, shall be granted at the minimum annual rates provided in this act, unless such rates shall be increased as herein provided, and the amount collected from any licensee shall be such proportion of the whole annual license as the time for which the license is granted bears to the whole year.

**Section 67. Provisions of this act not applicable, when.** The provisions of this act shall not be construed to apply to any gift by any person in case of any injury to any one or in case of emergency for medicinal purposes, nor to the use of such liquors in the homes of individuals for family or private use.

**Section 68. Powers of cities, towns and counties to restrict and regulate traffic.** Nothing in this act contained shall prevent or prohibit any city council, board of commissioners, board of trustees or board of county commissioners,

from enacting restrictions upon and regulations of the traffic in intoxicating liquors in "wet territory" in addition to but not in conflict with the provisions of this act; nor shall this act or any provision thereof be so construed as to abridge or limit the charter powers of municipal corporations with reference to the suppression or prohibition of the said liquor traffic in "dry territory" within this State, except that no municipal corporation shall prohibit or hinder what is permitted under the provisions of Chapter 106 of the Laws of Utah, 1911, or any amendment thereof, applicable to such corporation, provided, that a conviction or an acquittal in a prosecution for a violation of any of the provisions of said Chapter 106, or any amendment thereof, or for a violation of any municipal ordinance adopted as permitted in this section hereof, shall be a bar to any prosecution either by the State or by such municipality, against the same person for the same act, or acts, as those for which such conviction or acquittal shall be obtained.

Section 69. **Repeal.** Sections 1242 to 1260, both inclusive, and Sections 1260x and 1260x1, all of Title 39, Compiled Laws of Utah, 1907, are hereby repealed.

Approved March 20th, 1911.

Amended, 1913.





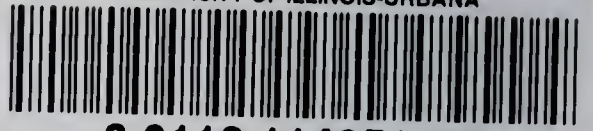






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